

ANNUAL TOWN MEETING

April 25, 27, May 2, 4, 9, 11 & 12, 1994

The meeting was televised by Amherst Community Television.

The 235th Annual Town Meeting was called to order by the Moderator, Harrison Gregg at 7:42 p.m. There were 253 town meeting members: 128 checked in and a quorum was declared. Harrison Gregg was sworn to the faithful performance of his duties as Moderator. After taking the oath, he swore in the body of town meeting members. The call and return of the warrant were read by Town Clerk, Cornelia D. Como. Hilda Greenbaum, Nonny Burack, Harry Brooks, James Pistrang, Roger Wallace, Steve Ziperstein, Jon Hite, F. Helena Donovan and Marilyn Falkowski were sworn as tellers.

ARTICLE 1. Voted to hear only those reports of the Town officers, Finance Committee, and any other Town boards or committees which are not available in written form.

Action taken on 4/25/94.

ARTICLE 2. Voted unanimously that the Town amend the Keg Bylaw, Article 2 of the General Regulations, by deleting the language in brackets and adding the shaded language as follows:

SECTION 1. PURPOSE

To protect the health, safety and welfare of its inhabitants, this by-law shall permit the Town of Amherst to regulate the possession of kegs containing malt beverages[, and] or the dispensing of malt beverages from kegs.

SECTION 2. DEFINITIONS

10. Keg License: a special license issued by the Board of Selectmen of the Town of Amherst to permit the possession of malt beverage in a keg[, and] or the dispensing of malt beverages from kegs, with the Town of Amherst.

SECTION 3. REQUIREMENT OF LICENSE FOR KEG POSSESSION

1. The Board of Selectmen of the Town of Amherst is authorized to issue keg licenses for the possession [and] of or dispensing of malt beverages in kegs within the Town of Amherst. The terms and conditions and fees for licenses granted under this section shall be determined by the Board of Selectmen, as the licensing authority pursuant to this by-law.

2. A keg license shall be required for the possession of a keg containing a malt beverage[, and] or for the dispensing of a malt beverage from a keg, at any place other than a licensed establishment of a licensed activity.
Action taken on 4/25/94.

ARTICLE 3. Voted unanimously that the Town amend Article II (General Regulations, Conduct of Persons in Control of Animals) of the Town Bylaws by changing the penalty under Section 3, Subsection e imposed upon owners or keepers of dogs failing to renew licenses from \$5.00 to \$15.00.
Action taken on 4/25/94.

ARTICLE 4. Voted unanimously that the Town authorize the Select Board to petition the General Court for a Special Act to allow the proposed Amherst-to-Belchertown extension of the Norwottuck Rail Trail to be constructed notwithstanding the provisions of the Code of Massachusetts Regulations or any general or special law.
Action taken on 4/25/94.

(On 4/25/94 it was unanimously voted to defer consideration of Article 5 until before Article 13.)

ARTICLE 5. Residential Parking - Voted that the town enact a bylaw as follows:

- I. The Town of Amherst hereby declares that because of long-term parking on streets in residential neighborhoods and areas within the Town by individuals accessing educational, commercial and other facilities in the Town, residents of affected areas have been unable to find adequate parking for themselves, their invitees and guests, and, in some cases, access for emergency and other municipal vehicles and services has been impeded.

II. The Town of Amherst hereby declares that it is in the best interests of the inhabitants of the Town and the residents of affected neighborhoods and areas that parking on certain streets be regulated by rules and regulations to be promulgated by the Board of Selectmen pursuant to Section III, below, so as to alleviate the inability of residents to park and so as to assure access for emergency and municipal vehicles.

III. The Board of Selectmen of the Town of Amherst is hereby authorized and empowered to cause studies and investigations to be made, either upon its own initiative or upon request of resident(s) of the Town, to determine a) whether a residential neighborhood or area is subject to long-term parking by individuals accessing educational, commercial or other facilities within the Town and b) whether such long-term parking has the effect of depriving residents of such neighborhood or area of adequate parking for themselves or for invitees or guests and/or of impeding access by emergency and/or other municipal vehicles. Upon a finding that a neighborhood is subject to such long-term parking and such long-term parking has the effect of depriving residents of such neighborhood or area from finding adequate parking and/or of impeding access by emergency and/or other municipal vehicles, the Board of Selectmen may define the neighborhood or area so affected, and may impose reasonable regulations upon parking in such neighborhood or area as defined by the Board of Selectmen. Such regulations may include, but shall not be limited to, issuance of permits to residents of such neighborhood or area for parking by themselves, their invitees or guests, and issuance of permits to residents of such neighborhood or area suspending parking meter fees and/or time limits for all or part of the day at certain specified parking meters. In addition, in promulgating rules and regulations under this section, the Board of Selectmen may designate a neighborhood or area to be regulated as a "tow zone" in which vehicles parked without a permit in violation of this bylaw may be towed pursuant to the provisions of section IV, below.

IV. In accordance with the authorization and power granted to the Board of Selectmen in paragraph III, above, upon the adoption of any rules or regulations in accordance with paragraph III, the Board of Selectmen shall establish penalties for violations of any such rules and regulations, which shall not exceed \$10.00 for each violation. Enforcement of rules and regulations promulgated by the Board of Selectmen under section III shall be pursuant to the provisions of General Laws, Chapter 90, Section 20A. In addition to enforcement through the provisions of General Laws, Chapter 90, Section 20A as set forth above, in any area designated by the Board of Selectmen as a "tow zone" in accordance with the provisions of section III, above, any vehicle parked in violation of any rule or regulation adopted by the Board of Selectmen may be towed and stored at the sole cost and expense of the owner of such vehicle.

Action taken on 5/2/94.

(On 4/25/94 it was voted to defer consideration of Article 6 until after Article 35.

ARTICLE 6. Voted unanimously to DISMISS - Park Street Discontinuance
Action taken on 5/12/94.

ARTICLE 7. Voted YES 115, NO 102 that the Town of Amherst shall not expend or commit funds either through borrowing or direct appropriation; for the purpose of siting, land acquisition, or construction of a New Regional Landfill* (*By definition, a Landfill used by Towns other than Amherst) or permit such a New Facility to exist or operate within Amherst.
Action taken on 4/25/94.

ARTICLE 8. Voted unanimously that the Town amend the Official Zoning Map by rezoning the rear portions of Parcels 281 and 285, Map 11C from the General Residence (R-G) District to the General Business (B-G) District and the westerly portion of Parcel 279, Map 11C from the General Business (B-G) District to the General Residence (R-G) District.
Action taken on 4/25/94.

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10:42 p.m. The meeting voted to adjourn to Wednesday, April 27, 1994 at 7:30 p.m. in the Auditorium of the Amherst Regional Junior High School. 222 town meeting members were checked in.

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The adjourned session of Wednesday, April 27, 1994 was called to order by the Moderator at 7:37 p.m. 137 town meeting members were checked in.

ARTICLE 9. Voted unanimously that the Town amend Section 3.3 of the Zoning Bylaw by deleting the language in brackets and adding the language underlined and shaded, as shown in "Appendix to Article 9" with respect to the following sections: 3.359; 3.360; 3.361;
(Action taken on 5/2/94) 3.372.1; 3.372.2; 3.372.3 (Action taken on 4/25/94).

Motion #13.340 (Utility Uses) Voted to refer back
to the Planning Board.
Action taken on 4/27/94.

Motion #23.341 (Airport and Heliport) DEFEATED
YES 58, NO 115
Action taken on 4/27/94.

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10:13 p.m. The meeting voted to adjourn to Monday, May 2, 1994 at 7:30 p.m. in the Auditorium of the Amherst Regional Junior High School. 215 town meeting members were checked in.

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The adjourned session of Monday, May 2, 1994 was called to order by the Moderator at 7:40 p.m. 169 town meeting members were checked in.

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ARTICLE 10. Zoning Bylaw Amendment - Section 3.324.

DEFEATED YES 108, NO 95

Action taken 4/27/94.

(On 4/27/94 it was unanimously voted to defer consideration of Article 11 until after Article 12.)

ARTICLE 11. Zoning Bylaw Amendment - Farmland Planned Unit Residential Developments.

Voted to refer back to the Planning Board.

Action taken on 4/27/94.

ARTICLE 12. Zoning Map Amendment - Parcel 59, Map 5B

Voted unanimously to DISMISS.

Action taken on 4/27/94.

ARTICLE 13. Voted unanimously that the Town raise and appropriate \$898.50 to pay unpaid bills of previous years.

Action taken on 5/2/94.

ARTICLE 14. Transfer of Funds

a) Voted unanimously that the Town appropriate and transfer \$81,700 from Water Fund Surplus to the Workers' Compensation Fund for FY 94.

b) Voted unanimously that the Town appropriate and transfer \$75,000 from Article 17 (Special Town Meeting, 4/92), in the Solid Waste Fund to the Sanitary Landfill Perpetual Monitoring Trust Fund for FY 94.

c) Voted unanimously that the Town appropriate and transfer \$200,000 from Article 19 (Special Town Meeting, 4/91), in the Solid Waste Fund to the Cell 3 Closure Trust Fund.

Action taken on 5/2/94.

ARTICLE 15. Voted unanimously that the Town authorize the Town Treasurer to borrow money from time to time in anticipation of the revenue for the fiscal year beginning July 1, 1994, in accordance with the provisions of the General Laws, Chapter 44, Section 4, and to issue a note or notes therefor, payable within one year, and to renew any note or notes as may be given for a period of less than one year in accordance with General Laws, Chapter 44, Section 17.

Action taken on 5/2/94.

ARTICLE 16. Voted unanimously that the Town authorize a maximum exemption increase of 100 percent for taxpayers qualifying for exemption under M.G.L., Ch. 59, Sec. 17D, 22, 37A and 41C.
Action taken on 5/2/94.

ARTICLE 17. Voted unanimously that the Town appropriate such amount as the State may provide for the construction or repair of certain roads in Town, authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or borrow in anticipation of reimbursement for said grants.
Action taken on 5/2/94.

ARTICLE 18. Voted unanimously that the Town raise and appropriate \$1,231,135 for the Hampshire County Retirement System Assessment and that to meet such appropriation \$1,210,085 be raised by taxation and \$21,050 be transferred from the Retirement Fund.
Action taken on 5/2/94.

On 5/2/94 it was unanimously voted to defer consideration of Article 19 until after Article 20.)

ARTICLE 19. Voted unanimously that the Town accept the provisions of the Massachusetts Early Retirement Incentive Program for public school employees belonging to the Massachusetts Teachers' Retirement System as set forth in Section 83 of Chapter 71 of the Acts of 1993, as amended.
Action taken on 5/11/94.

ARTICLE 20. FY 95 Operating Budget

GENERAL GOVERNMENT

Voted that the Town appropriate \$2,518,722 for General Government, that the salary of the Moderator be fixed at \$10, that of the Board of Selectmen at \$300 each, that of the Elector under the Oliver Smith Will at \$20, and that to meet such appropriation \$2,518,722 be raised by taxation.
Action taken on 5/2/94.

PUBLIC SAFETY

Voted that the Town appropriate \$4,287,931 for Public Safety, that \$3,987,931 be raised by taxation, and that \$300,000 be transferred from Ambulance Receipts Reserved for Appropriation.
Action taken 5/2/94.

PUBLIC WORKS

Voted that the Town appropriate \$1,361,586 for Public Works and that to meet such appropriation \$1,249,666 be raised by taxation, \$110,000 be transferred from Parking Meter Receipts Reserved for Appropriation, and \$1,920 be transferred from the Sale of Cemetery Lots Account.
Action taken on 5/4/94.

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10:50 p.m. The meeting voted to adjourn to Wednesday, May 4, 1994 at 7:30 p.m. in the Auditorium of the Amherst Regional Junior High School. 213 town meeting members were checked in.

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The adjourned session of Wednesday, May 4, 1994 was called to order by the Moderator at 7:44 p.m. 134 town meeting members were checked in.

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10:30 p.m. The meeting voted to adjourn to Monday, May 9, 1994 at 7:30 p.m. in the Auditorium of the Amherst Regional Junior High School. 215 town meeting members were checked in.

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The adjourned session of Monday, May 9, 1994 was called to order by the Moderator at 7:42 p.m. in the Auditorium of the Amherst Regional Junior High School. 130 town meeting members were checked in.

On May 9th, action was taken on Articles 31 and 32.

PLANNING/CONSERVATION/INSPECTIONS

Voted that the Town appropriate \$559,428 for Planning/Conservation/Inspections and that to meet such appropriation \$559,428 be raised by taxation.
Action taken on 5/11/94.

COMMUNITY SERVICES

Voted that the Town appropriate \$440,390 for Community Services and that to meet such appropriation \$426,390 be raised by taxation and \$14,000 by grants, gifts or donations.

Action taken on 5/11/94

CULTURE & RECREATION

Voted unanimously that the Town appropriate \$337,918 for Culture & Recreation and that to meet such appropriation \$337,918 be raised by taxation.

Action taken on 5/11/94.

DEBT SERVICE

Voted unanimously that the Town appropriate \$951,075 for payment of principal and interest on the Town's General Fund indebtedness and that to meet such appropriation \$951,075 be raised by taxation.

Action taken on 5/11/94.

LIBRARY SERVICES

Voted unanimously that the Town appropriate \$1,119,934 for Library Services, and that to meet such appropriation \$704,830 be raised by taxation, that \$64,904 be transferred from State Aid to Library Accounts, and that \$350,200 be accepted from Jones Library, Inc.

Action taken on 5/11/94.

ELEMENTARY SCHOOLS

Voted that the Town appropriate \$10,585,810 for the Amherst Elementary Schools and that to meet such appropriation, \$10,585,810 be raised by taxation.

Action taken on 5/11/94.

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11:00 p.m. The meeting voted to adjourn to Wednesday, May 11, 1994 at 7:30 p.m. in the Auditorium of the Amherst Regional Junior High School. 215 town meeting members checked in.

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The adjourned session of Wednesday, May 11, 1994 was called to order by the Moderator at 7:43 p.m. 133 town meeting members were checked in.

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10:30 p.m. The meeting voted to adjourn to Thursday, May 12, 1994 at 7:30 p.m. in the Auditorium of the Amherst Regional Junior High School. 196 town meeting members had checked in.

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The adjourned session of Thursday, May 12, 1994 was called to order by the Moderator at 7:40 p.m. 127 town meeting members were checked in.

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REGIONAL SCHOOLS

Voted YES 147, No 19 that the Town raise and appropriate \$5,633,690 as its proportionate share of the operating and capital costs of the Amherst-Pelham Regional School district, and that to meet such appropriation \$5,336,132 be raised by taxation and \$297,558 be raised by taxation contingent upon approval of a Proposition 2 1/2 override referendum question.

Action taken on 5/12/94.

WATER FUND

Voted unanimously that the Town appropriate \$935,990 for the Water Fund Operating Budget, \$743,441 for payment of principal and interest on Water Fund debt, that \$2,047,500 be made available from Water revenues of the current year, and that \$309,024 be made available from Water Fund surplus.

Action taken on 5/12/94.

SEWER FUND

Voted unanimously that the Town appropriate \$1,451,928 for the Sewer Fund Operating Budget, \$112,740 for payment of principal and interest on Sewer Fund debt that \$2,009,995 be made available from Sewer revenues of the current year, and that \$18,374 be made available from Sewer Fund surplus.

Action taken on 5/12/94.

SOLID WASTE FUND

Voted that the Town appropriate \$370,415 for the Solid Waste Fund Operating Budget, \$800,620 for payment of principal and interest on Solid Waste Fund debt, that \$1,351,000 be made available from Solid Waste revenues of the current year, and that \$61,619 be made available from Solid Waste Fund surplus.

Action taken on 5/12/94.

GOLF COURSE FUND

Voted that the Town appropriate \$168,687 for the Golf Course Operating Budget, \$149,760 for payment of principal and interest on Golf Course Fund debt, that\$193,306 be made available from Golf Course revenues of the current year, and that \$149,760 be transferred from the Sale of Real Estate Account. Action taken on 5/12/94.

ARTICLE 21. Voted that the Town raise and appropriate \$3,265 for Amherst Community Television. Action taken on 5/12/94.

ARTICLE 22. Voted unanimously that the Town endorse no-fare public transit service to the Echo Hill, Cushman, and Orchard Valley areas of the Town and approve the levying of an assessment by the Commonwealth of Massachusetts for the Town's proportionate share of the cost of such services. Action taken on 5/12/94.

ARTICLE 23. Voted unanimously that the Town accept grants from the Pioneer Valley Transit Authority for the operation of fare-free transportation services for people who are elderly and people who have disabilities and approve the levying of an assessment by the Commonwealth of Massachusetts for the Town's proportionate share of said service. Action taken on 5/12/94.

ARTICLE 24. Voted unanimously that the Town raise and appropriate \$55,000 for the development and coordination of support services essential to the tenants of congregate housing, said program to be fully reimbursed by the Department of Elder Affairs. Action taken on 5/12/94.

ARTICLE 25. Voted unanimously that the Town raise and appropriate \$109,158 for the following Human Services Agencies:

Amherst Survival Center	\$20,198
Center for Human Development - Helen Mitchell	
Family Outreach Project	\$12,000
Center for Human Development - Not Bread Alone ..	\$ 5,000
Children's Aid and Family Services	\$ 5,000
Commuter Resources - Homesharing	\$ 1,200
Everywoman's Center	\$ 2,500
First Call for Help	\$ 7,000
Hampshire County VNA Senior Health Services .	\$ 6,000
Hampshire Community Action Commission -	
Amherst Family Center	\$
2,000	
Necessities/Necesidades	\$
5,000	
Northampton Visiting Nurses Association	\$
4,000	
Salvation Army	\$
1,000	
Amherst Resource Center-Companion Program	
\$14,300	
Amherst Resource Center-Counseling Program	\$
8,000	
YWCA	\$ 3,000
After School Tuition Program	\$12,960

Action taken on 5/12/94.

ARTICLE 26. Voted that the Town raise and appropriate \$12,500 for consulting services and expenses related to economic development activities. Action taken on 5/12/94.

ARTICLE 27. Voted unanimously that the Town appropriate \$16,200 to assist the Department of Food and Agriculture, Commonwealth of Massachusetts, with the purchase of Agricultural Preservation Restrictions on farms in Amherst and that to meet such appropriation \$16,200 be transferred from the Stabilization Fund. Action taken on 5/12/94.

ARTICLE 28. Voted to DISMISS. - Capital Program - Equipment Action taken on 5/12/94.

ARTICLE 29. Voted that the Town raise and appropriate \$200,000 for the purchase of one fire pumper and be authorized to turn in corresponding items of equipment as part payment and to meet such appropriation \$200,000 be raised by taxation contingent upon approval of a Proposition 2 1/2 capital exclusion override referendum question.

Action taken on 5/12/94.

ARTICLE 30. Voted unanimously to DISMISS. Capital Program Buildings and Facilities
Action taken on 5/12/94.

ARTICLE 31. Voted YES 184, NO 22 that the Town approve the amount of the \$23,100,000 debt authorized on April 12, 1994 by the Amherst Pelham Regional School District School Committee for the purpose of financing costs of adding to, reconstructing and equipping the District Regional High School, including costs incidental and related thereto; provided that not more than \$1,400,000 for the preparation of plans and specifications and related preliminary expenses, shall be borrowed or expended until the project has been approved by the State Board of Education for a school construction grant of at least 65 percent of approved project costs; provided, further, that this approval be contingent upon approval of a Proposition 2 1/2 debt exclusion referendum question.
Action taken on 5/9/94.

ARTICLE 32. Voted YES 139, NO 41 that the Town appropriate \$2,500,000 for the renovation of the Town Hall and that to meet such appropriation the Treasurer be authorized to borrow \$2,500,000 in accordance with M.G.L. Chapter 44, Section 7, Clause (3A), such appropriation and borrowing be contingent on approval of a Proposition 2 1/2 debt exclusion referendum question.
Action taken on 5/9/94.

ARTICLE 33. Voted that the Town raise and appropriate \$149,760 to the Stabilization Fund.
Action taken on 5/12/94.

ARTICLE 34. Voted unanimously to DISMISS. Free Cash
Action taken on 5/12/94.

ARTICLE 35, Voted unanimously to DISMISS. - Solid Waste Fund
Action taken on 5/12/94.

10:22 p.m. The business of the warrant having been completed the meeting voted to dissolve. 184 town meeting members were checked in.

Attest:

Cornelia D.Como
Town Clerk